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CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTIONS OF: INDEPENDENCE OF THE JUDICIARY, ADMINISTRATION OF JUSTICE, IMPUNITY

Written statement*/ submitted by the Asian Legal Resource Centre,
a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[22 December 2000]

*/ This written statement is issued, unedited, as received from the submitting non-governmental organization(s).

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ENG

Harassment of sex workers in Hong Kong SAR

1. In Hong Kong Special Administrative Region (SAR) of the People's Republic of China, sex work is not technically illegal and existing laws claim to stop exploitation and control of sex workers by third parties. However in practice the legal system usually moves against sex workers. When laws are enforced, sex workers typically find themselves pushed into poorer working conditions and often harassed by the police.

2. Between December 1999 and November 2000, Ziteng, a concern group for sex workers in Hong Kong, received more than 160 complaints of police harassment of sex workers. These complaints reveal a variety of harassment. For those who work in so-called "one-girl apartments", police officers often enter their workplaces, claiming that they are checking their licenses (sex workers in one-girl apartments have no licenses). Sometimes police officers have searched the apartments of sex workers without warrants three times in a day. Police officers also stand in the lobbies of buildings where sex workers operate and drive away their customers. Moreover, police officers ask sex workers to move out before a certain deadline. The police threaten to inform the workers' families about their work if they do not leave. In one case, a sex worker told by the police to move out of her apartment before a deadline requested more time, whereupon a police officer beat and threatened her. She called for help, went to a hospital to have her injuries examined and made a formal complaint to the Complaints Against Police Office, which has long been criticised for lacking credibility because it is not independent. In this instance, the case was dropped due to a lack of witnesses. What the police do legally or illegally is aimed at stopping sex workers' business. Sometimes police officers also ask for sex services without pay.

3. Another serious violation of sex workers' rights is that they are denied fair treatment before the law. The prejudice of judges and legal personnel often leads to discrimination against sex workers in court, no matter whether they are defendants or complainants. In one case, a judge bluntly stated that he did not believe the statement of a defendant who was a sex worker. In another, a customer who assaulted a girl working in a Karaoke bar was found not guilty as in his decision the judge stated that girls working in such places cannot be sexually abused as they are not persons faithful to their virginity.

4. The Asian Legal Resource Centre calls upon the Commission to encourage the HKSAR Government to stop harassment of sex workers by the police and to establish an independent complaint mechanism to investigate and prevent abuses of police power.